

UNITED STATES DISTRICT COURT
FOR THE
SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION

UNITED STATES OF AMERICA,	§	
Plaintiff	§	
	§	
v.	§	CIVIL ACTION NO.
	§	
ROMARM RIFLE, SMITH AND	§	
WESSON PISTOL,	§	
BUSHMASTER RIFLE,	§	
AND ASSORTED AMMUNITION	§	
Defendants in rem	§	

VERIFIED COMPLAINT FOR FORFEITURE IN REM

United States of America, Plaintiff, files this action for forfeiture against Romarm, GP/WASR10/63UF, AK-47 type, rifle 7.62 x 39 mm with serial number AH4302, Smith and Wesson .40 caliber pistol with serial number DVU6669, Bushmaster .223 caliber rifle with serial number L249428 and assorted ammunition and alleges the following.

Nature of the Action

1. This is an action to forfeit property to the United States pursuant to 18 U.S.C. § 924(d)(1).

Defendants in Rem

2. Defendants in rem are Romarm, GP/WASR10/63UF, AK-47 type, rifle

7.62 x 39 mm with serial number AH4302, Smith and Wesson .40 caliber pistol with serial number DVU6669, Bushmaster .223 caliber rifle with serial number L249428 and assorted ammunition. They were seized in Laredo, Texas, and are in the custody of U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives in the Southern District of Texas.

Jurisdiction and Venue

3. This Court has jurisdiction pursuant to 28 U.S.C. §1355 because this is an action for forfeiture.

4. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1355 and 1395 (a) and (b) because the acts or omissions giving rise to the forfeiture occurred in the Southern District of Texas, the property was found and is located in the Southern District of Texas, and this forfeiture action accrued in the Southern District of Texas.

Basis for Forfeiture

5. The Defendants in rem are subject to forfeiture pursuant to 18 U.S.C. § 924(d)(1) because the firearm and ammunition were involved in or used in a knowing violation of 18 U.S.C. §922(g)(1). Under 18 U.S.C. § 922(g)(1), it shall be unlawful for any person who has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year to ship or transport in

interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce. Any firearm or ammunition involved in or used in any knowing violation of 18 U.S.C. § 922(g) shall be subject to seizure and forfeiture under 18 U.S.C. § 924(d)(1).

Facts

6. On April 14, 2012, Laredo Police Department Detectives Richard Ramirez and David Carmona were investigating a shooting at the home of Elias Vega in Laredo, Texas. During this investigation, the detectives reviewed a surveillance video from the home security system which showed Elias Vega firing a rifle. The detective questioned Mr. Vega about the shooting incident. Mr. Vega admitted that he possessed the rifle and he buried the rifle on the rear part of the property.

7. With Mr. Vega's assistance, the detectives recovered a Bushmaster .223 caliber rifle with serial number L249428 which was found buried in the back yard. In Mr. Vega's residence, the detectives found a Romarm, GP/WASR10/63UF, AK-47 type, rifle 7.62 x 39 mm with serial number AH4302, a Smith and Wesson .40 caliber pistol with serial number DVU6669, and approximately 1,500 rounds of ammunition.

8. The detectives conducted a criminal history check on Mr. Vega and learned that Mr. Vega was a felon who was convicted and sentenced for the felony of evading arrest with a motor vehicle in Webb County District Court in 2010. This crime is punishable by imprisonment for a term exceeding one year.

9. The firearms and ammunition were transferred to U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives. They examined the firearms and ammunition and determined that they had been transported in interstate commerce.

Claim for Relief

10. Plaintiff requests the following:

- a. that the Clerk of the Court issue a warrant to the arrest the Defendants in rem pursuant to Rule G(3)(b)(i), Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions,
- b. a judgment of forfeiture, and
- c. an award for costs and other relief to which Plaintiff may be entitled.

Date September 25, 2012.

Respectfully submitted,

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VERIFICATION

I, Marco Rodriguez, Task Force Officer, U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives, declare under penalty of perjury as provided by 28 U.S.C. §1746 that I have read the foregoing Verified Complaint for Forfeiture in Rem, and that the facts stated therein are based upon my personal knowledge or from information obtained in the course of my investigation and are true and correct to the best of my knowledge and belief.

Executed on September 25, 2012.



Marco Rodriguez, Task Force Officer
U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives